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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,546	03/06/2000	Frederik Ekkel	US-000014	8972

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c/o PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
Corporate Intellectual Property
1000 West Maude Ave
Sunnyvale, CA 94085

EXAMINER

CHANG, ERIC

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 04/21/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/519,546

Applicant(s)

EKKEL ET AL.

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-14, 20-24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-14, 20-24, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 2-8, 10-14, 20-24 and 27-28 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 2-8, 10-14, 20-24 and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2-8, 10-14 and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,324,512 to Junqua et al.

5. As to claim 20, Junqua discloses a method of enabling a user to configure a device, comprising:

[a] providing user-access to a remote server over a network to enter a configuration preference for scheduling recording of multimedia content by the device [col. 1, lines 46-50, and col. 2, lines 28-38];

[b] generating control data at the remote server according to the preference for configuration; and sending the control data from the remote server onto the device causing a

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recording of multimedia content device configuration according to the entered preference [col. 3, lines 9-17].

Junqua teaches a unified access system comprising network interfaces, signal processing circuitry and speech recognition modules [FIG. 1, elements 10, 16, 18, 20, 24, 26, 30, 32, 34, 36 and 64], and that such a system behaves as a server for receiving preferences for programming a device [FIG. 1, elements 40 and 44] to record multimedia content. Junqua further teaches the preferences are received by the system over a network, such as a telephone network [FIG. 1, elements 12, 22 and 24] or the Internet [FIG. 1, elements 14, 50, 60 and 64], converted into appropriate command signals, and used to configure a recording device accordingly.

6. As to claim 21, Junqua discloses user-selected preferences for configuration for a device with respect to the processing of multimedia content [col. 3, lines 31-35]. Junqua teaches the user may select preferences for processing of multimedia content, such as the recording or viewing of said content.

7. As to claim 2, Junqua discloses downloading the control data from the server col. 3, lines 9-17]. Junqua teaches the customization control data is sent from the unified access system to the recording device, substantially as claimed.

8. As to claims 3 and 6, Junqua discloses downloading the control data to a further system for programming the equipment upon transfer of the control data from the further system to the device, and that the server provides the applications through which the user interacts using said

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further system [col. 3, lines 18-30]. Junqua teaches that information relating to configuring the device is retrieved and sent to a further system, such as a telephone or PC [col. 2, lines 29-33], to be used by the consumer to communicate with the server to program the device, substantially as claimed.

9. As to claims 4-5 and 7, Junqua discloses the consumer interacts with a server via a further system different from the equipment to be programmed [col. 2, lines 29-33].

Furthermore, Junqua teaches the further system may be one of a set-top box, a PC or a telephone, substantially as claimed.

10. As to claim 8, Junqua discloses the consumer requests the server to establish contact with the equipment, and the server establishes the contact in response to the consumer's request [col. 3, lines 9-35]. Junqua teaches the consumer sends a programming request to the server, and that the server subsequently sends the appropriate control signals to the device in response.

11. As to claims 10 and 23, Junqua discloses the device may comprise a personal video recorder, such as a VCR, video-disk recorder, or other television/computer convergent system, substantially as claimed [FIG. 1, element 44, and col. 3, lines 13-17].

12. As to claim 11, Junqua discloses the consumer is enabled to interact with the application via speech input [col. 1, lines 46-50].

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13. As to claim 13, Junqua discloses the server has a database with information relating to the consumer and the generation of the control data takes into account the information in the database [col. 4, lines 35-51].

14. As to claim 14, Junqua discloses a second consumer may program the equipment according the preferences of the second consumer via the network, a server application, and the subsequent generated control data [col. 9, lines 59-67, and col. 10, lines 1-2]. Junqua teaches that different family members may program the equipment according to their different preferences, substantially as claimed.

15. As to claims 22 and 24, Junqua teaches the method for configuring a device using control data generated by a server from an entered user preference for configuration of the device, with respect to a processing and play-out of multimedia content. Because Junqua teaches the method, Junqua teaches the device capable of implementing said method, substantially as claimed.

Claim Rejections - 35 USC § 103

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,324,512 to Junqua et al.

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18. As to claim 12, Junqua discloses the consumer is enabled to interact with the application via speech input [col. 1, lines 46-50], and/or by computer over a network [col. 2, lines 4-8].

Because Junqua teaches that the configuration of the device may be made using a computer, it would have been obvious to one of ordinary skill that the user would be able to speak to a human operator of the computer to convey the desired preference if the user himself is not operating the computer. Furthermore, because Junqua teaches that the configuration of the device may be made over the Internet, it would have also been obvious to one of ordinary skill in the art that the request could be made to a human operator at a remote location with computer access to the device over the Internet, such as a call-service center or the like, substantially as claimed.

19. As to claims 27 and 28, Junqua discloses the control data directs a recorder to record a selected broadcast [col. 3, lines 13-17]. It would have been obvious to one of ordinary skill in the art that the data used to program a recorder would comprise a start time and an end time, substantially as claimed.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 12, 2004


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